

REMARKS

Applicants hereby request reconsideration of the continuing rejection of Claims 1, 6, 14 and 25-28. This rejection is believed to be fatally defective and hence, a Notice of Appeal is filed concurrently herewith.

The undersigned notes the Examiner's comments relative to not being able to grant the interview previously requested. The undersigned now again requests an Examiner Interview with a supervisory examiner. This Request is intended to provide a review of the Applicants position for such an interview. A detailed Appeal Brief will follow in due course within the time limit therefor.

First as to the rejection, it is believed deficient since the applied prior art does not disclose, teach or suggest all of the claimed features.

Specifically, Claim 1 defines:

"a support structure positionable in an office area";

"a glass panel assembly supported on said support structure";

"said support structure orients said glass panel assembly relative to a floor"; and

a "sheet of glass" and "an elongate edge rail" which define the "glass panel assembly".

The prior art rejection does not disclose a "support structure" which cooperates with the glass panel assembly as claimed.

The office action alleges that Brooks discloses "a support/connector part panel structure (20), a panel (16) and an edge frame member (21)". Then the Office Action alleges that Ackerly teaches changing the conventional space-dividing wall panel to a sheet of glass, and that the resulting structure satisfies the limitations of Applicant's claimed invention. This rejection contains a number of critical errors that Applicant's will argue in detail upon submission of their Appeal Brief.

For the time being, the following summarizes these deficiencies and it is believed that such deficiencies should be discussed in a preliminary interview.

First, the Examiner's rejection does not have a "support structure" as claimed, despite the conclusory assertions contained in the Office Action. The so-called "support/connector part panel structure (20)" is in fact a "raceway or telecommunication channel 20". Col. 4 of Brooks, Line 8. These raceways 20 fit onto the preexisting dividers 16. Col. 4, lines 63-64. By their very nature, the wall panels or dividers 16 of Brooks already exist and are supported on the floor, and the raceways 20 depend upon the existence of the wall panels 16 since they sit on the top edge of the panels 16. Thus, the raceways 20 do not support and orient the wall panels 16, and in fact the raceways 20 themselves depend upon the wall panels 16. The rejection therefore ignores the simple fact that the raceways 20 are add-on accessories and cannot serve as support structure for supporting the wall panel.

Specifically, Claim 1 defines the glass panel assembly as being "supported on" the support structure. Yet in Brooks, the wall panel is not "supported on" the raceway 20; instead the raceway 20 is and can only be supported on the wall panel 16. As can be seen in Figure 2, the wall panel 16 already is present when the raceway 20 is dropped on top. This distinct structural difference is completely ignored in the Office Action.

In this regard, the Office Action references Claim 27 and states that "the support structure (20) carries the weight of the panel/glass (164)". How can this be? How can a raceway 20 that is resting on the top of a wall panel 164 carry the weight of the wall panel? If a hat is sitting on my head, it cannot be said by any stretch of the imagination that the hat is carrying my weight? Similarly, how can it be said relative to Claim 1 that the wall panel 16 is "supported on" the raceway 20? It cannot since the raceway 20 depends upon

and itself is supported on the wall panel 16, and thus, the prior art features do not disclose a "glass panel assembly" supported on a support structure as defined in Claim 1.

Also, Claim 1 defines that the support structure "orients" the glass panel assembly "relative to a floor". By definition, the term "orients" is a verb that says that some structure, i.e. the support structure, determines the position or orientation of something else, i.e. the glass panel assembly, relative to the floor. Thus, Claim 1 defines that the support structure orients or imparts an orientation to the glass panel assembly relative to the floor. As to Brooks, the raceway 20 imparts no orientation to the wall panel 16. The wall panel 16 in Brooks is already positioned in its orientation.

Also, the office action contains a conclusory statement as to Claim 25 that "the support structure (20)", i.e. the raceway 20, "maintains the panel/glass panel in a fixed orientation". The raceway doesn't even have this capability. Therefore as to Claim 1, the raceway 20 does not orient the wall panel 16. It is merely an add-on accessory to the pre-existing wall panels. The raceways 20 are optional accessories and the wall panels 16 do not depend at all on the presence of such raceways for the wall panels to maintain their orientation. Again, as can be seen in Figure 2, the wall panel 16 already is present when the raceway 20 is dropped on top.

Thus, the rejection does not satisfy the requirements of Claim 1 that a glass panel assembly (the combination of a sheet of glass and edge rail) is "supported on" the support structure wherein the support structure "orients" the glass panel assembly relative to the floor. Hence, Claim 1 is allowable.

As to Claim 25, the Brooks raceway 20 that rests on the top of something, namely the wall panel 16 does not actively maintain that wall panel in a fixed orientation. The

orientation of the wall panel is completely independent of the presence or absence of the raceway 20.

As to Claim 27, a raceway cannot "carry the weight" of the very thing it is sitting on.

Hence, all of Claims 1 and 25-28 are allowable.

Claim 6 also is allowable. Claim 6 defines a support structure positionable within an office area and a glass panel assembly "attached to" the support structure wherein the glass panel assembly comprises a sheet of glass and an edge frame. The term "attached" essentially means securing one thing to another, and as such Claim 6 defines the glass panel assembly (the two components, namely the edge frame and glass) being attached to a third component, namely the support structure.

First, the office action apparently relies upon the one-piece raceway 20 as being both a support structure 20 and an edge frame member 21. It is noted that 21 is in fact the integral channel 21 of the raceway 20 and is not a separate attachable component. Thus, Brooks does not disclose the base combination of a support structure having a separate, two-piece glass panel assembly attached thereto. Hence, the rejection ignores this claim language.

Further, as argued at length and as will be clearly laid out in the Appeal Brief, replacing a full wall panel 16 of Brooks with a single sheet of glass from the glass cover tile of Ackerly completely ignores many of the teachings of these references as well as the teachings of patents dealing with conventional wall panels. This combination alleges the replacement of a load-bearing wall panel structure with a non-analogous, distinctly different aesthetic face structure that covers one side of a wall panel. The differences between a space-dividing wall panel and a single thin sheet of glass are believed readily apparent but are being ignored to construct the current rejections. In this regard, cloth is used to cover wall panels but the skilled artisan obviously wouldn't replace a wall panel with a sheet of cloth.

For these reasons, Claim 6 is allowable.

Claim 14 defines a glass panel assembly "mounted" to a load-bearing frame by "connector parts". The frame defines the "periphery" of the wall panel, and the glass panel assembly is an assembly of the sheet of glass and its own edge frame comprising a plurality of edge rails.

In the office action, the raceway 20 is called a "support/connector part panel structure (20)" and this same raceway also allegedly defines edge rails 21. Thus, one integral piece 20 apparently serves as three of the elements defined in Claim 14, namely the load-bearing frame, the connector parts and the edge frame of the glass panel assembly.

In such a case, the raceway 20 does not define a periphery of a wall panel. It only extends along one edge and does not define a periphery of a wall panel.

Further, where the raceway 20 is a one-piece structure, this does not satisfy the requirement that the glass panel assembly (including its edge frame) is "mounted to" the load bearing frame. The one-piece raceway does not satisfy this requirement. The term "mount" defines one part connected to another part, wherein such mounting is accomplished by connector parts. The raceway does not satisfy this structural arrangement.

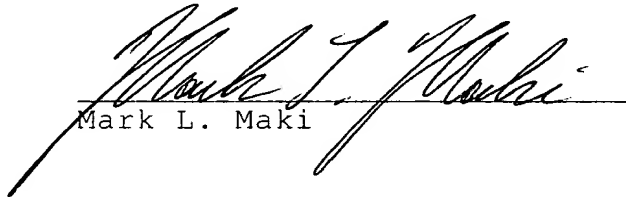
Thus, if the raceway 20 has a channel 21 that defines an edge rail of the edge frame for the glass panel assembly, where is the separate load bearing frame to which this glass panel assembly is mounted? There is none and for this reason, Claim 14 is allowable.

It is noted that very little attention has been paid to Ackerly since the office action alleges that Brooks discloses everything but the "inclusion of the glass panel". This position therefore requires the conclusion that everything in Ackerly may be ignored but for the presence of this sheet of glass. However, this is believed contrary to established case law which issue will also be addressed in the Appeal Brief.

Lastly, the statement is made that "glass panels are old and very well known in the room partition and interior frame art." This inherently equates a load bearing space-dividing wall panel with a sheet of glass used in a wall panel cover tile or window tile. These two structures are completely different both structurally and functionally. A more accurate statement is that the distinct structural and functional differences between load-bearing, space-dividing wall panels and sheets of glass used in cover tiles is "old and very well known in the room partition and interior frame art". The root of the current rejection is that these distinct differences are being ignored.

The undersigned again requests an Examiner Interview to discuss such rejections.

Respectfully submitted,


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Encl: None

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